

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                            |
|---------------------------|---|----------------------------|
| JIMMIE JAMES NORMAN, JR., | ) |                            |
|                           | ) |                            |
| Plaintiff,                | ) |                            |
|                           | ) | Case No. 4:08-cv-01695-AGF |
| vs.                       | ) |                            |
|                           | ) |                            |
| MARTEN TRANSPORT, LTD.,   | ) |                            |
| and RICHARD J. HAIGHT     | ) |                            |
|                           | ) |                            |
| Defendants.               | ) | <b>JURY TRIAL DEMANDED</b> |

**ANSWER**

COMES NOW defendant Marten Transport, Ltd. and for its Answer to plaintiff's Complaint states:

1. Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 1 and therefore denies same.
2. Defendant admits the allegations contained in paragraph 2.
3. Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 3 and therefore denies same.
4. Defendant admits that plaintiff's Complaint indicates that he is seeking in excess of \$75,000 in damages.

5. Defendant is without sufficient information or knowledge to either admit or deny the allegations contained in paragraph 5 and therefore denies same.

6. Defendant denies the allegations contained in paragraph 6.

7. Defendant denies the allegations contained in paragraph 7.

8. Defendant denies the allegations contained in paragraph 8.

9. For further answer and for its affirmative defense, defendant states that plaintiff's damages, if any, were caused and/or contributed to by his own negligence and fault in that he failed to use the restraint system in place in the sleeper berth.

10. For further answer and for its affirmative defense, defendant states that plaintiff has failed to mitigate his damages, if any.

11. In the event that plaintiff has received any compensation, from any source, as a result of this incident, defendant pleads that that amount be offset from any amount the plaintiff receives.

12. For further answer and for its affirmative defense, defendant states that any damages suffered by plaintiff were caused or contributed to be caused by the actions of third parties or other factors not within the control of this defendant.

13. For further answer and for its affirmative defense, defendant requests a stay of these proceedings pursuant to 50 App. U.S.C.A. §522 in that, upon information and belief, defendant Richard J. Haight is currently in the military service stationed in Iraq, this action seeks joint and several liability against defendants and Mr. Haight, as the driver involved in the alleged accident, is a necessary witness to the defense of this action.

WHEREFORE, having fully answered Plaintiff's Complaint, defendant Marten Transport prays to be dismissed at the plaintiff's costs.

/s/ Joseph R. Swift  
Joseph R. Swift #4512  
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**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 11-2.11, Joseph R. Swift and BROWN & JAMES, P.C., attorneys for Defendants, hereby attest to the existence of a paper copy of defendant's answer bearing the original signature of Joseph R. Swift.

I hereby certify that on December 23, 2008 the foregoing was filed electronically with the Clerk of the Court to be served upon the following: Joseph L. Bauer, Jr., 1716 South Broadway, St. Louis, MO 63104.

/s/ Joseph R. Swift